

United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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PETER B. HOVLEY,

Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA,

Defendant in Error.

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Transcript of Record.

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Upon Writ of Error to the United States District Court  
of the Southern District of California,  
Southern Division.

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FILED

AUG 30 1921

F. D. MONGKTON,  
CLERK.



United States  
Circuit Court of Appeals

For the Ninth Circuit.

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# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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The United States Circuit Court of Appeals for the  
Ninth Circuit.

**Writ of Error.**

The United States of America,  
Ninth Judicial Circuit,—ss.

The President of the United States, to the Honorable the Judges of the District Court of the United States, for the Southern District of California, Southern Division, GREETING:

Because, in the records and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court before you, or some of you, between United States of America and Peter B. Hovley, whose true name appears to be Peter P. Hovley, a manifest error hath happened, to the great damage of the said Peter P. Hovley, *alias* Peter B. Hovley, as by his complaint appears.

We, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the records and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same in the said United States Circuit Court of Appeals for the Ninth Circuit, at the city of San Francisco, within thirty days from the date hereof, that the record and proceedings aforesaid being inspected, the said United States Circuit Court of Appeals for the Ninth Cir-

cuit may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

WITNESS, the Honorable WILLIAM H. TAFT, Chief Justice of the United States, the 4th day of August, in the year of our Lord one thousand nine hundred and twenty-one.

CHAS. N. WILLIAMS,  
Clerk of the District Court of the United States for  
the Southern District of California.

R. S. Zimmerman,  
Deputy.

Writ of error allowed by

B. L. GOE,  
Judge.

I HEREBY CERTIFY that a copy of the within writ of error was on the 4th day of August, 1921, lodged in the office of the clerk of the said United States District Court, for the Southern District of California, Southern Division, for said defendants in error.

[Seal] CHAS. N. WILLIAMS,  
Clerk of the District Court of the United States for  
the Southern District of California.

By Douglas Van Dyke,  
Deputy Clerk.

[Endorsed]: District Court No. 2045. In the United States Circuit Court of Appeals for the Ninth Circuit. United States of America vs. Peter B. Hovley. Writ of Error. Filed Aug. 4, 1921. Chas. N. Williams, Clerk. Douglas Van Dyke, Deputy.



In the District Court of the United States, for the  
Southern District of California, Southern Di-  
vision.

No. 2045.

UNITED STATES OF AMERICA.

vs.

PETER B. HOVLEY.

**Citation on Writ of Error.**

United States of America,  
Ninth Judicial District,—ss.

The President of the United States, to the United  
States of America, GREETING:

You are hereby cited and admonished to be and  
appear in the United States Circuit Court of Ap-  
peals for the Ninth Circuit, to be holden at the city  
of San Francisco, within thirty days from the date  
hereof, pursuant to a writ of error filed in the  
Clerk's Office of the District Court of the United  
States for the Southern District of California,  
Southern Division, wherein Peter B. Hovley (whose  
true name is Peter P. Hovley), is plaintiff in error  
and you are the defendant in error, to show cause,  
if any there be, why the judgment rendered against  
the said plaintiff in error, as in said writ of error  
mentioned, should not be corrected and why speedy  
justice should not be done to the parties in that  
behalf.

WITNESS the Honorable BENJAMIN F.  
BLEDSOE, United States District Judge for the  
Southern District of California, this — day of

August, in the year of our Lord one thousand nine hundred and twenty-one.

B. L. GOE,  
United States District Judge for the Southern District of California.

Service of the above citation is accepted this 4th day of August, A. D. 1921.

ROBERT O'CONNOR,  
United States Attorney.  
H. L. DICKSON.

[Endorsed]: No. 2045. In the District Court of the United States for the Southern District of California, Southern Division. United States of America vs. Peter B. Hovley. Citation in re Writ of Error. Filed Aug. 4, 1921. Chas. N. Williams, Clerk. Douglas Van Dyke, Deputy.

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In the District Court of the United States, Southern District of California, Southern Division.

No. 2045—CRIM.

PETER B. HOVLEY,

Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA,  
Defendant in Error.

**Names and Addresses of Attorneys of Record.**

For Plaintiff in Error:

THEODORE STENSLAND, Esq., 422-23  
Grant Building, Los Angeles, California.

For Defendant in Error:

ROBERT O'CONNOR, Esq., United States At-  
torney.

HUGH L. DIXON, Esq., Assistant United  
States Attorney, Los Angeles, California.

[1\*]



No.——

Filed:——

In the District Court of the United States in and  
for the Southern District of California, South-  
ern Division.

**Indictment.**

Viol. Act, June 25, 1910, Mann White Slave Act.

At a stated term of said Court, begun and holden  
at the city of Los Angeles, county of Los Angeles,  
within and for the Southern Division of the South-  
ern District of California, on the second Monday of  
January, in the year of our Lord one thousand nine  
hundred and twenty;

The Grand Jurors of the United States of  
America, chosen, selected and sworn, within and for  
the Division and District aforesaid, on their oath  
present:

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\*Page-number appearing at foot of page of original certified Transcript  
of Record.

That PETER B. HOVLEY, whose full and true name other than as herein stated is to the Grand Jurors unknown, late of the Southern Division of the Southern District of California, did, on or about the 13th day of February, A. D. 1920, knowingly, wilfully, unlawfully and feloniously transport and cause to be transported and aid and assist in obtaining transportation for and in transporting in interstate commerce a certain woman, to wit, Barbara Phillip, now Barbara Staalduynen, for the purpose of debauchery and for an immoral purpose, and with the intent and purpose to entice and induce the said Barbara Phillip, now Barbara Staalduynen, to give herself up to debauchery and to engage in an immoral practice, and did then and there procure and obtain and caused to be procured and obtained and aid and assist in procuring and obtaining a certain railroad ticket to be used by said Barbara Phillip, now Barbara Staalduynen, in interstate commerce and in the transportation of the said Barbara Phillip, now Barbara Staalduynen, from the city of Chicago, in the State of Illinois, to the city of Los Angeles, in the State of California, for an immoral purpose, and with the intent and purpose then and there on the part of the said Peter B. Hoveley to cause, entice and compel her, the said Barbara Phillip, now Barbara Staalduynen, to give herself up to debauchery and to an immoral practice, to wit, to have [2] sexual intercourse with and to be the mistress of the said defendant, Peter B. Hovley, the said Peter B. Hovley not being then and there the

husband of the said Barbara Phillip, now Barbara Staaldwynen.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the said United States.

ROBERT O'CONNOR,  
United States Attorney.

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Assistant United States Attorney.

[Endorsed]: No. 2045—Crim. United States District Court, Southern District of California, Southern Division. The United States of America vs. Peter B. Hovley. Indictment. Viol. Mann White Slave Act. A true bill. Elwood De Garino, Foreman. Filed Apr. 30, 1920. Chas. N. Williams, Clerk. By Maury Curtis, Deputy Clerk. Bail, \$2500.00. Robert O'Connor. [3]

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At a stated term, to wit, the January Term, A. D. 1920, of the District Court of the United States of America, within and for the Southern District of California, Southern Division, held at the courtroom thereof, on Monday, the 10th day of May, in the year of our Lord one thousand nine hundred and twenty. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. 2045—CRIM.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER B. HOVLEY,

Defendant.

**Minutes of Court—May 10, 1920—Arraignment and Plea.**

This cause coming on at this time for the arraignment and plea of defendant; Wm. F. Palmer, Esq., Assistant U. S. Attorney, appearing as counsel for the Government, and defendant being present together with his counsel, Geo. H. Woodruff, Esq., and defendant having been called and arraigned, states his name is true as it is stated; and waiving the formal reading of the indictment, now interposes his plea of Not Guilty, and thereupon it is by the Court ordered that this cause be, and the same hereby in continued to the June calendar for setting of same down for trial. [4]

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At a stated term, to wit, the January Term, A. D. 1921, of the District Court of the United States of America, within and for the Southern District of California, Southern Division, held at the courtroom thereof, on Friday, the 11th day of February, in the year of our Lord one thousand nine hundred and twenty-one. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. 2045—CRIM.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER B. HOVLEY,

Defendant.

**Minutes of Court—February 11, 1921—Change of  
Plea.**

This cause coming on *ex parte*, B. B. Crane, Esq., Assistant U. S. Attorney, appearing for the Government; Geo. H. Woodruff, Esq., appearing as counsel for defendant; and defendant having withdrawn his plea of Not Guilty, now enters his plea of guilty of crime as charged; it is by the Court ordered that this cause be and the same hereby is continued to February 28, 1921, for pronouncement of sentence.

[5]

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At a stated term, to wit, the January Term, A. D. 1921, of the District Court of the United States of America, within and for the Southern District of California, Southern Division, held at the courtroom thereof, on Monday, the 7th day of March, in the year of our Lord one thousand nine hundred and twenty-one. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. 2045—CRIM.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER B. HOVLEY,

Defendant.

**Minutes of Court—March 7, 1921—Sentence.**

This cause coming on this day for pronouncement of sentence; T. F. Green, Esq., Assistant U. S. Attorney, appearing for the Government; Geo. H. Woodruff, Esq., appearing as counsel for defendant; and statement having been made by T. F. Green, Esq., Assistant U. S. Attorney, and by Geo. H. Woodruff, Esq., of counsel as aforesaid for defendant; and defendant having made a statement in his own behalf; the Court now pronounces sentence upon said defendant for the crime of which he now stands convicted, namely: Vio. Act of June 25, 1910, Mann White Slave Act; the judgment of the Court is, that said defendant be confined in the Orange County Jail for the term and period of one year, and pay unto the United States of America a fine in the sum of \$1000.00, and stand committed to said Orange County Jail until said fine is so paid; and on motion of Geo. H. Woodruff, Esq., of counsel for defendant, a stay of execution of fifteen days is granted herein.

[6]



In the District Court of the United States, for the  
Southern District of California, Southern Di-  
vision.

No. 2045.

UNITED STATES OF AMERICA

vs.

PETER B. HOVLEY.

**Notice of Substitution of Attorneys.**

To the United States of America, Plaintiff Herein,  
and to J. ROBERT O'CONNOR, Esquire,  
United States Attorney:

Please take notice that, after this day, I have sub-  
stituted Mr. Theodore Stensland as my attorney, in  
the place and stead of Messrs. George H. Woodruff  
and Clyde C. Shoemaker, and that Messrs. Wood-  
ruff and Shoemaker have, in writing, consented to  
the said substitution.

Dated, July 21, 1921.

PETER P. HOVLEY,  
Defendant.

THEODORE STENSLAND,  
Attorney for Defendant.

Consent and notice is hereby given of the substi-  
tution of Mr. Theodore Stensland, as attorney for  
the defendant, for and in the place and stead of the  
undersigned.

Dated, July 22, 1921.

WOODRUFF & SHOEMAKER,  
GEORGE H. WOODRUFF,  
Attorneys for Defendant.

Due notice and service of a copy of the above notice of substitution of attorneys for the defendant, in the above-entitled action, is hereby admitted this — day of July, 1921.

R. O'CONNOR,  
Per T. F. GREEN,  
T—,

United States Attorney. [7]

[Endorsement]: In the District Court of the United States for the Southern District of California, Southern Division. No. 2045. United States of America vs. Peter B. Hovley. Substitution of Attorneys. Filed Jul. 21, 1921, at — min. past — o'clock — M. Chas. N. Williams, Clerk. Douglas Van Dyke, Deputy. [8]

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In the District Court of the United States for the Southern District of California, Southern Division.

No. 2045.

UNITED STATES OF AMERICA

vs.

PETER B. HOVLEY.

**Petition for Writ of Error.**

And now comes the defendant herein and says that, on the 7th day of March, A. D. 1921, at the January Term of the District Court of the United States for the Southern District of California, Southern Division, by the consideration of the said

District Court of the United States for the Southern District of California, Southern Division, in a certain criminal cause depending in said court, to wit, a certain indictment against the above-named defendant, Peter B. Hovley, whose true name is Peter P. Hovley, for knowingly, wilfully, unlawfully and feloniously transporting, and causing to be transported, and aiding and assisting in obtaining transportation for, and in transporting, in interstate commerce, a certain woman, to wit, Barbara Phillip, now Barbara Staalduynen, for the purpose of debauchery and for an immoral purpose, and with the intent and purpose to entice and induce the said Barbara Phillip, now Barbara Staalduynen, to give herself up to debauchery and to engage in an immoral practice, and further, for procuring and obtaining, and causing to be procured and obtained, and aiding and assisting in procuring and obtaining, a certain railroad ticket, to be used by the said Barbara Phillip, now Barbara Staalduynen, in interstate commerce and in the transportation of the said Barbara Phillip, now Barbara Staalduynen, from the city of Chicago, in the State of Illinois, to the city of Los Angeles, in the State of California, for an immoral purpose, with the intent and purpose, then and there on the [9] part of said defendant, to cause, entice and compel said aforementioned woman to give herself up to debauchery, being Criminal Cause No. 2045 in that court, the said defendant, upon his plea of guilty to said indictment, was adjudged and sentenced to be imprisoned in the county jail of Orange County,

in the State of California, for the term and period of one year and to pay to the United States of America a fine of One Thousand Dollars, and execution therefor was accordingly ordered; that, in the rendition of said judgment and sentence and in the record and proceedings in said cause had prior thereto, certain manifest errors have intervened to the great prejudice of the said defendant, which errors are specified in detail in the Assignment of Errors filed with this petition.

WHEREFORE, the said Peter P. Hovley, the defendant in the above-entitled cause, under the name of Peter B. Hovley, feeling himself aggrieved by the judgment and sentence of the Court rendered on his plea of guilty, as aforesaid, and entered therein, comes now, by Theodore Stensland, his attorney, and petitions the Court for an order allowing the said defendant to prosecute a writ of error from the Honorable United States Circuit Court of Appeals for the Ninth Circuit, under and according to the laws of the United States in that behalf made and provided, and for reversal of said judgment and sentence of the District Court of the United States for the Southern District, Southern Division, and also that an order be made that, upon the serving of said writ of error, by lodging a copy thereof for the adverse party, the United States, in the Clerk's Office of the District Court where the record remains, the said defendant be admitted to bail, pending said writ of error, in the sum of Two Thousand and Five Hundred Dollars, conditioned as the law directs, and that, thereupon, all further

proceedings be suspended and stayed until the determination of said writ of error by the United States Circuit Court of Appeals [10] for the Ninth Circuit.

And the said defendant, Peter P. Hovley (whose name, in the aforementioned indictment, erroneously appears as Peter B. Hovley), presents herewith his assignment of errors, in accordance with the rules of the said United States Circuit Court of Appeals and the course and practice of this Honorable Court.

And your petitioner further prays that a citation in due form of law may issue requiring the defendant in error to appear in the United States Circuit Court of Appeals for the Ninth Circuit, and, then and there, make answer to the Assignment of Errors, made by your petitioner, upon the record of the proceedings in said cause.

And your petitioner, Peter P. Hovley (indicted, as aforesaid, under the erroneous name of Peter B. Hovley, will ever pray, etc.

THEODORE STENSLAND,  
Attorney for Plaintiff in Error. [11]

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In the District Court of the United States for the Southern District of California, Southern Division.

No. 2045.

UNITED STATES OF AMERICA

vs.

PETER B. HOVLEY.

**Assignment of Errors.**

And now comes said Peter P. Hovley (whose name appears, in the indictment in the above-entitled cause, erroneously as Peter B. Hovley), by his attorney, and says that, in the aforesaid proceedings and in the said judgment and sentence, there is manifest error in this, to wit:

**I.**

The District Court erred in entering said judgment and imposing sentence, upon said plea of guilty, in the manner and form as done, for the following reasons:

- (a) The bill of indictment in this cause, is insufficient to support any judgment against this defendant, in that it fails to allege the necessary and essential elements of any crime against the United States, which said indictment seeks to allege this defendant committed.
- (b) In the said indictment, or in any of the proceedings thereon had, in the District Court, or in the record thereof, there appears nothing sufficient to show jurisdiction, in said District Court, to hear or determine the alleged cause set forth in said indictment, or to render, pronounce or enter judgment thereon, or to pronounce or impose sentence thereon.
- (c) The said indictment, and each and every part thereof, is not specific enough, is repugnant and too vague, indefinite, [12] ambiguous and uncertain, to charge any facts sufficient in law to constitute any crime or offense against the

United States or any law thereof, or to inform this defendant fully of the charge against him, or to make the same clear to the common understanding.

(d) The said indictment, and each and every part thereof, fails to state facts sufficient to charge this defendant with any crime or offense against the United States or any law thereof, and does not describe any crime or offense in violation of, or punishable under, any of the laws thereof.

(e) The said indictment attempts to charge two separate and distinct offenses, to wit:

An offense to transport, cause to be transported, and aid in transporting, in interstate commerce, a certain woman for the purpose of debauchery and other immoral purpose; and

Another offense to procure and obtain, cause to be procured and obtained, and aid and assist in procuring and obtaining, a railroad ticket, to be used by a certain woman, in interstate commerce, in going to a place for an immoral purpose, whereby such woman was transported in interstate commerce.

Said alleged offenses, however, are not separately stated, being joined in one, and the only, count of said indictment; but the matters and things set forth in the purported statements, respectively, of said offenses, so attempted to be charged against this defendant, as aforesaid, are, all and singular, not sufficient in law to constitute any crime or offense.

against the United States or any law thereof, or to inform this defendant fully of the charge or charges against him, or to make the same clear to the common understanding, and are not sufficient, in form or substance, to enable this defendant to plead the judgment, predicated thereon, in bar of another action for the same offenses or offense.

(f) The said indictment is insufficient to charge this defendant with the offense of transporting, causing to be transported, [13] or aiding or assisting in obtaining transportation for, or in transporting, in interstate commerce, a woman, for immoral purposes, in that,—

1. In so attempting to charge said offense, the said indictment does not show that said offense, so charged, was or is within the legal jurisdiction of the grand jurors of the United States of America, inquiring for the Southern District of California, by which said grand jurors the said indictment was found and returned.

2. Said indictment fails to show that said offense, so set forth and charged, was or is within the legal jurisdiction of the District Court, wherein said indictment was returned and judgment thereon rendered and sentence thereon imposed.

3. Said indictment does not state, allege or in anywise set forth or show said offense, so charged, to be within the legal jurisdiction of any of the courts of the United States.



4. In attempting to charge said offense, the said indictment does not state, allege or in anywise show that any woman or girl was carried or transported as a passenger, in interstate commerce, from, through, or into any judicial district of the United States.

(g) The said indictment is insufficient to charge this defendant with the offense of knowingly procuring and obtaining, or causing to be procured or obtained, or aiding or assisting in procuring or obtaining, a railroad ticket, or any form of transportation, or evidence of the right thereto, to be used by any woman or girl, in interstate commerce, in going to any place for immoral purposes, whereby such woman or girl was transported in interstate commerce, in that,—

1. In so attempting to charge said offense, the said indictment fails to state, allege, or in anywise show that this defendant [14] did knowingly procure or obtain, or knowingly cause to be procured or obtained, or knowingly aid or assist in procuring or obtaining, any such railroad ticket, or any such other form of transportation or evidence of right thereto.

2. Said indictment does not state, allege or in anywise show that any transportation, in interstate commerce, or any woman or girl was had, effected or consummated, in connection with this defendant's alleged procuring, causing to be procured, or assisting in procuring, such railroad ticket or other form of transportation,

or as a result of any act or conduct on the part of this defendant, or otherwise or at all.

3. In so attempting to charge said offense, the said indictment fails to show that any woman or girl was carried or transported as a passenger, in interstate commerce, from, through or into any judicial district of the United States, and, thereby, said indictment fails to show said offense, so charged, to be within the legal jurisdiction of any of the courts of the United States.

(h) The said indictment does not state, allege or in anywise show any of the following matters, to wit:

1. What the alleged transportation in interstate commerce consisted of or what facts constituted such transportation.

2. Whether such alleged transportation was consummated.

3. What acts were done by this defendant in, or relating to, the consummation of such alleged transportation.

4. When, where or in what manner, or by what means such alleged transportation was commenced, carried out or consummated.

(i) In said indictment, there are alleged no facts from which, by an inspection of said indictment, there is made [15] to appear any of the following matters, to wit:

1. In what respect the transportation, referred to in said indictment, was transportation carried out in interstate commerce.

2. What facts constituted such alleged transportation in interstate commerce.

3. By what acts or conduct, on the part of this defendant, this defendant did transport, or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate commerce, that certain woman designated in said indictment.

4. Whether, by reason of, or as a result of, any act or conduct on the part of this defendant, any woman or girl was ever or at all carried or transported as a passenger, in interstate commerce, from, through or into the district wherein the District Court of the United States for the Southern District of California, Southern Division, has jurisdiction of crimes.

(j) Said indictment does not state or allege any fact or facts showing that this defendant did transport, or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate commerce, any woman or girl; nor the place or manner in which said transportation was obtained; nor the place or district from, through or into which said transportation was had or effected.

(k) Said indictment does not state or allege any fact or facts showing that this defendant did procure or obtain, or assist in procuring or obtaining, any form of transportation, or evidence of right thereto, whereby any woman or girl was transported in interstate commerce or otherwise or at all.

- (l) Said indictment fails to state or allege any fact or facts showing any transportation, in interstate commerce or [16] otherwise, of any woman or girl for any purposes or purpose whatsoever.
- (m) The acts charged in said indictment, or any of said acts, have no connection with interstate commerce made unlawful by any statute of the United States of America.
- (n) The attempted statements of fact, in said indictment, seeking to show an alleged transportation in interstate commerce, are statements of conclusions of law.
- (o) The attempted statements of fact, in said indictment, seeking to show a connection of this defendant with an alleged transportation, in interstate commerce, of a certain woman, are statements of conclusions of law.
- (p) The said indictment is not sufficient, in form or substance, to enable this defendant to plead the judgment, predicated thereon, in bar of another prosecution for the same offenses or offense.
- (q) All and singular, the allegations, in said indictment and in each and every part thereof, attempting to charge this defendant with a violation of law, are conclusions of law.

## II.

The District Court erred in pronouncing judgment, upon said plea of guilty, in the manner and form as done,—

For the reasons stated in the Assignment of Error No. I.

III.

The District Court erred in imposing sentence upon said plea of guilty,—

For the reasons stated in the Assignment of Error No. I.

WHEREFORE, the said Peter P. Hovley prays that the aforesaid judgment may be reversed and the aforesaid sentence may be vacated, set aside, canceled and annulled.

THEODORE STENSLAND,

Attorney for Defendant and Plaintiff in Error.

[17]

[Endorsement]: In the District Court of the United States for the Southern District of California, Southern Division. No. 2045. United States of America, vs. Peter B. Hovley. Petition for Writ of Error and Assignment of Errors. Filed Jul. 21, 1921, at — min. past — o'clock — M. Chas. N. Williams, Clerk. Douglas Van Dyke, Deputy. Theodore Stensland, Attorney for Defendant. [18]

## UNITED STATES OF AMERICA.

District Court of the United States, Southern District of California.

No. 2045.

Clerk's Office.

UNITED STATES OF AMERICA,

vs.

PETER B. HOVLEY.

**Praeipie for Transcript of Record.**

To the Clerk of said Court:

Sir: Please issue one typewritten copy (by you duly certified), of the hereinafter designated papers of record, in your office, in the above-entitled cause:

1. Judgment-roll.
2. Petition for writ of error.
3. Assignments of error.
4. Writ of error and order allowing same.
5. Citation and acceptance of service.
6. Substitution of attorneys, and this praeipie.

THEODORE STENSLAND,  
Attorney for Plaintiff in Error.

[Endorsement]: No. 2045. U. S. District Court, Southern District of California, Southern Division. United States of America, vs. Peter B. Hovley. Praeipie for Transcript on Writ of Error. Filed August 8, 1921. Chas. N. Williams, Clerk. R. S. Zimmerman, Deputy Clerk. By W. [19]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

No. 2045—CRIM.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER B. HOVLEY,

Defendant.

**Certificate of Clerk U. S. District Court to Transcript of Record.**

I, Chas. N. Williams, Clerk of the District Court of the United States, for the Southern District of California, do hereby certify the foregoing 19 type-written pages, numbered from 1 to 19, inclusive, and comprised in one volume, to be a full, true and correct copy of the indictment, minutes of arraignment and plea, minutes of change of plea, sentence, substitution of attorneys, petition for writ of error, assignment of errors, writ of error and praecipe for transcript on writ of error in the above and therein entitled action, and that the same together constitute the record in said action as specified in the said praecipe filed in my office on behalf of the plaintiff in error by his attorney of record.

I do further certify that the cost of the foregoing record is \$6.25, the amount whereof has been paid me by the plaintiff in error herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District

Court of the United States of America, in and for the Southern District of California, Southern Division, this 19th day of August, in the year of our Lord one thousand nine hundred and twenty-one and of our Independence the one hundred and forty-sixth.

[Seal]

CHAS. N. WILLIAMS,

Clerk of the District Court of the United States of America, in and for the Southern District of California.

By R. S. Zimmerman,

Deputy. [20]

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[Endorsed]: No. 3726. United States Circuit Court of Appeals for the Ninth Circuit. Peter B. Hovley, Plaintiff in Error, vs. The United States of America, Defendant in Error. Transcript of Record. Upon Writ of Error to the United States District Court of the Southern District of California, Southern Division.

Filed August 15, 1921.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

By Paul P. O'Brien,

Deputy Clerk.